

**RULES
OF
TENNESSEE DEPARTMENT OF SAFETY
DIVISION OF DRIVER LICENSE ISSUANCE**

**CHAPTER 1340-2-4
HANDGUN CARRY PERMIT PROCEDURES**

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1340-2-4-.01 PURPOSE. To establish uniform standards and systems for administering the issuing of handgun carry permits, as defined herein, under the provisions of T.C.A. § 39-17-1351 through 1360.

Authority: T.C.A. §§39-17-1351; 39-17-1360 and 4-3-2009. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999.

1340-2-4-.02 DEFINITIONS.

- (1) Applicant means an individual who applies to obtain, renew, or reinstate a handgun carry permit.
- (2) Commissioner means the commissioner of the Tennessee Department of Safety.
- (3) Conviction means a plea of guilty, a finding of guilt by a court of competent jurisdiction, or the acceptance of a plea of nolo contendere.
- (4) Department means the Department of Safety acting directly or through its duly authorized officers and agents.
- (5) Dishonorable Conditions mean the following:
 - (a) A dishonorable discharge;
 - (b) A bad conduct discharge;
 - (c) A dismissal.
- (6) Handgun Carry Permit means a permit issued by the Department of Safety or a permit that is issued from another state that meets the reciprocity provisions of T.C.A. §39-17-1351 as determined by the commissioner of safety.

(Rule 1340-2-4-.02, continued)

- (7) Permittee means a person who currently holds a valid handgun carry permit.
- (8) Resident means any person who lives in Tennessee for a period of time exceeding thirty (30) days in which the person's habitation is fixed, and to which, whenever the person is absent, the person has a definite intention to return. Resident also includes any person in the military residing in Tennessee, pursuant to military orders, and presents the department with the necessary documents as determined by the department to prove such residency.
- (9) Sheriff shall mean the chief law enforcement officer of the county.
- (10) Unlawful user of a controlled substance or alcohol means any person convicted of T.C.A. § 39-17-425 relative to the use of controlled substances or T.C.A. § 39-17-310 relative to the use of alcohol.
- (11) Employed in this state on a regular basis shall mean a person has been gainfully employed in this state for at least thirty (30) hours a week for six (6) consecutive months not counting any absence from employment caused by the employee's use of sick leave, annual leave, administrative leave, or compensatory time.
- (12) Lawful Permanent Resident shall mean the status of having been accorded the privilege of residing permanently in the United States as an immigrant in accordance with immigration laws, such status not having changed.

Authority: T.C.A. §§2-2-122, 4-3-2009, 4-5-202, 39-17-1351, 39-17-1360. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed October 20, 2003; effective February 27, 2004. Amendment filed December 15, 2006; effective date April 30, 2007.

1340-2-4-.03 ELIGIBILITY REQUIREMENTS.

- (1). To be eligible to apply for a handgun carry permit, applicants are required to be a resident of Tennessee and either a United States citizen or lawful permanent resident thereof.
- (2) Applicants must be at least twenty-one (21) years of age.
- (3) Applicant must not be prohibited from purchasing or possessing a firearm in this state pursuant to T.C.A. §§39-17-1316, 39-17-1307(b), 18 U.S.C. 922(g) or any other state or federal law.
- (4) The applicant must meet all other requirements regarding the proper submission of an application pursuant to T.C.A. §39-17-1351 and this rule, submit proof of the successful completion of a department approved handgun safety course or any of the exceptions as provided in T.C.A. §39-17-1351 and pay all appropriate fees.
- (5) The applicant must not have been convicted of a criminal offense punishable for a term exceeding one year which does not include any federal or state offenses pertaining to anti-trust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulation of business practices.
- (6) The applicant must not be currently under indictment or information for any criminal offense punishable by a term exceeding one year, which does not include any federal or state offenses pertaining to anti-trust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulations of business practices.
- (7) The applicant must not be currently subject to any order of protection and, if so, the applicant must provide a copy of such order.

(Rule 1340-2-4-.03, continued)

- (8) The applicant must not be a fugitive from justice.
- (9) The applicant must not be an unlawful user of or addicted to alcohol or any controlled substance and the applicant must not have been a patient in a rehabilitation program or hospitalized for alcohol or controlled substance abuse or addiction within ten (10) years from the date of application.
- (10) The applicant must not have been convicted of the offense of driving under the influence of an intoxicant in this or any other state two or more times within ten (10) years from the date of the application, and that none of such convictions must have occurred within five years from the date of application or renewal.
- (11) The applicant must not have been adjudicated as a mental defective; and not have been committed to or hospitalized in a mental institution; has not had a court appoint a conservator for the applicant by reason of a mental defect; has not been judicially determined to be disabled by reason of mental illness, developmental disability or other mental incapacity; and has not, within seven (7) years from the date of application, been found by a court to pose an immediate substantial likelihood of serious harm, as defined in Section 33-6-104, because of mental illness.
- (12) The applicant is not an alien and not illegally or unlawfully in the United States.
- (13) The applicant has not been discharged from the Armed Forces under dishonorable conditions.
- (14) The applicant has not renounced his or her United States citizenship.
- (15) The applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. §921(33). Such crime means an offense that is a misdemeanor under federal or state law; and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shared a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. This definition includes all misdemeanors that involve the use or attempted use of physical force (E.G. simple assault, assault and battery) if the offense is committed by one of the defined parties.
- (16) The applicant is not receiving social security disability benefits by reason of alcohol dependence, drug dependence or mental disability.
- (17) The applicant has not been convicted of the offense of stalking.

Authority: T.C.A. §§4-3-2009, 4-5-202, 39-17-1351, 39-17-1360. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed December 15, 2006; effective April 30, 2007.

1340-2-4-.04 APPLICATION AVAILABILITY. The department shall make applications for permits available for distribution at any location where the department conducts driver license transactions; however, the department will receive and process applications at locations designated by the department.

Authority: T.C.A. §§39-17-1351; 39-17-1360 and 4-3-2009. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999.

1340-2-4-.05 APPLICATION REQUIREMENTS.

(Rule 1340-2-4-.05, continued)

- (1) The application for a permit shall be on a standard form developed by the Department of Safety.
- (2) Applicants for a handgun carry permit shall sign and complete in full and disclose under oath the following information concerning the applicant prior to the issuance of such permit:
 - (a) Full legal name and any aliases
 - (b) Addresses for the last five (5) years
 - (c) Date of birth
 - (d) Social security number

Acceptable proof of the social security number will be the social security card itself, not metal or plastic replicas; driver licenses containing social security numbers; military ID's, DD-214; selective service card; or a social security printout.
 - (e) physical description (height, weight, race, sex, hair color and eye color);
- (3) The applicant shall answer all questions on the application relative to all eligibility requirements for obtaining a handgun carry permit.
- (4) In addition to the information required above, the applicant shall submit proof of the successful completion of a department approved handgun safety course within the past six (6) months. Such course must include both classroom hours and firing range hours. The proof must be submitted at the time the completed application is submitted to the department.
 - (a) An applicant shall not be required to comply with the handgun safety course provisions of this rule if such applicant submits proof to the department that within five (5) years from the date the application for a handgun permit is filed, the applicant has:
 1. Been certified by the Peace Officers' Standards and Training Commission; or
 2. Successfully completed training at the Law Enforcement Training Academy; or
 3. Successfully completed the firearms training course required for armed security officer/guard registration, pursuant to Section 62-35-118(b); or
 4. Successfully completed all handgun training of not less than four (4) hours as required by any branch of the military.
 - (b) A permittee will not be required to complete a handgun safety course to maintain or renew a handgun carry permit. No permittee will be required to complete any additional handgun safety course after obtaining a handgun carry permit.
- (5) An applicant is required to present a photo identification to the department at the time of filing the application. If the name on the photo identification, name on the application and name on the fingerprint card, if taken by a sheriff, are not the same, the department will refuse to accept the application. If the person whose picture appears on the photo identification is not the same as the applicant, the department will refuse to accept the application.
- (6) It shall also be the responsibility of the applicant to furnish proof of identification to the department in cases where an applicant has had a prior name change.

(Rule 1340-2-4-.05, continued)

- (7) The department shall also photograph the applicant in a manner that is suitable for use on the permit.
- (8) The applicant is required to provide two full sets of classifiable fingerprints at the time the application is filed with the department. Such fingerprints may be taken by the department at the time the application is submitted, or the applicant may have such fingerprints taken at any sheriff's office and submit such fingerprints to the department along with the application and other supporting documents. At the time an applicant's fingerprints are taken, either by the department or a sheriff's office, such applicant is required to present a photo identification. If the person requesting the fingerprinting is not the same person as the person whose picture appears on the photo identification, the department or the sheriff will refuse to take such fingerprints.
 - (a) If the fingerprints are taken by a sheriff's office, such prints shall be taken on a Department of Safety fingerprint card. Any fingerprints taken on any card other than a Department of Safety fingerprint card, will not be accepted by the Department of Safety upon application.
 - (b) The department shall provide Department of Safety fingerprint cards to any sheriff that fingerprints applicants under the provision of this rule or law.
- (9) Upon receipt of a permit application, the department will:
 - (a) Forward two full sets of fingerprints of the applicant to the Tennessee Bureau of Investigation; and
 - (b) Send a copy of the application to the sheriff of the county in which the applicant resides.
- (10) Pursuant to T.C.A. §39-17-1351, the sheriff will provide the department with any information concerning the truthfulness of the applicant's answers to the eligibility requirements that is within the knowledge of the sheriff within thirty (30) days of receiving an application.
- (11) Pursuant to T.C.A. §39-17-1351, the Tennessee Bureau of Investigation shall:
 - (a) Within thirty (30) days from receipt of the fingerprints, conduct such computer searches to determine the applicant's eligibility for a permit under T.C.A. §39-17-1351 as are available to the Bureau based solely upon the applicant's name, date of birth and social security number and send the results of such searches to the Department of Safety;
 - (b) Conduct a criminal history record check based upon one set of the fingerprints received and send the results to the department; and
 - (c) Send one set of the fingerprints received from the department to the Federal Bureau of Investigation, request a federal criminal history record check based upon such fingerprints, as long as such service is available and send the results of such check to the department.

Authority: T.C.A. §§4-3-2009, 4-5-202, 39-17-1351, 39-17-1360. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed December 15, 2006; effective April 30, 2007.

1340-2-4-.06 ISSUANCE OF A HANDGUN CARRY PERMIT.

- (1) The department will issue a permit to an applicant not prohibited from obtaining a permit under this rule or any other law relative to the purchase or possession of firearms no later than ninety (90) days after the date the department receives the application.

(Rule 1340-2-4-.06, continued)

- (2) The permit will be valid for four (4) years and shall entitle the permittee to carry any handgun(s) which the permittee legally owns or possesses.
- (3) The permittee shall have the permit in the holder's immediate possession at all times when carrying a handgun and shall display the permit on demand of a law enforcement officer. Any canceled, suspended, revoked or otherwise invalid permit shall be surrendered to such law enforcement officer and returned to the Department of Safety.

Authority: T.C.A. §§39-17-1351; 39-17-1360 and 4-3-2009. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999.

1340-2-4-.07 DENIAL OF HANDGUN CARRY PERMIT.

- (1) The department shall deny a handgun carry permit application if it determines from information contained in the criminal history record checks conducted by the Tennessee and Federal Bureaus of Investigation, or from other information that comes to the attention of the department, that the applicant does not meet the eligibility requirements of T.C.A. §39-17-1351 and Rule 1340-2-4-.03. It shall be the responsibility of the applicant to furnish sufficient proof to the department that such applicant meets all eligibility requirements.
- (2) Where a permit has not been issued and in cases where the criminal histories do not contain dispositions of charges, the department will notify the applicant of the charge. The applicant will have ninety (90) days to furnish information sufficient to the department as to the disposition of the charge.
 - (a) If the applicant does not provide the department with information as to the disposition of the charge within ninety (90) days, the department shall deny the permit pursuant to paragraph (1).
 - (b) If the applicant does not provide the department with information as to the disposition of the charge within ninety (90) days, the applicant will be required to meet the application requirements pursuant to Rule 1340-2-4-.05 and pay the prescribed application fee.
- (3) If the department denies an application, the department shall notify the applicant in writing within ten (10) days of such denial. The written notice shall state the specific factual basis for the denial. It shall include a copy of any reports, records and/or inquiries reviewed or relied upon by the department.
- (4) The department will also notify the sheriff or chief law enforcement officer of the applicant's county of residence when the department denies an application.
- (5) If a person is denied a handgun carry permit and the time for filing a petition in general sessions court pursuant to Rule 1340-2-4-.18 has expired, such person will be required to reapply under Rule 1340-2-4-.05 and pay the prescribed application fee.
- (6) The department shall not deny a permit application if:
 - (a) The existence of any arrest or other records concerning the applicant for any indictment, charge, or warrant have been judicially or administratively expunged; or
 - (b) The applicant's conviction has been set aside by a court of competent jurisdiction; or
 - (c) The applicant, who was rendered infamous or deprived of the rights of citizenship by judgment of any state or federal court, has had his or her full rights of citizenship duly restored pursuant to procedures set forth within Title 40, Chapter 29, or other federal or state laws.

(Rule 1340-2-4-.07, continued)

1. This provision shall not apply to any person who had been convicted of burglary, any felony offense involving violence, or use of a firearm, or any felony drug offense involving a Schedule I, II, III, IV, or V controlled substance.
 2. If the applicant has been convicted of a felony drug offense involving a Schedule VI controlled substance, the provisions of this rule shall not apply if such offense occurred within ten (10) years of the date of application or renewal.
- (7) To seek review of the departmental action of a denial of a handgun carry permit, the applicant must seek judicial review pursuant to Rule 1340-2-4-.19.

Authority: T.C.A. §§39-17-1351; 39-17-1360 and 4-3-2009. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999.

1340-2-4-.08 CONTENTS OF HANDGUN CARRY PERMIT.

- (1) The permit shall be issued on a wallet-sized laminated card of the same approximate size as used by the State of Tennessee for driver licenses.
- (2) The permit shall contain only the following information concerning the permittee:
 - (a) The permittee's name, address, and date of birth
 - (b) A description of the permittee by sex, height, weight and eye color
 - (c) A color photograph of the permittee; and
 - (d) The permit number and expiration date

Authority: T.C.A. §§4-3-2009, 4-5-202, 39-17-1351, 39-17-1360. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed December 15, 2006; effective April 30, 2007.

1340-2-4-.09 RENEWAL OF HANDGUN CARRY PERMIT.

- (1) Prior to the expiration of a permit, a permittee may apply to the department for the renewal of a permit by submitting, under oath, a renewal application with the prescribed renewal fee.
- (2) The applicant shall disclose, under oath, the information concerning the applicant as set forth in Rule 1340-2-4-.03. The applicant must meet the eligibility requirements of Rule 1340-2-4-.03.
- (3) A permittee shall not be required to complete a handgun safety course to maintain or renew a handgun carry permit after the initial permit has been issued.
- (4) It shall be the responsibility of the permittee to renew a permit prior to its expiration. The department is not responsible for sending renewal notices to permittees.
- (5) A person who has a valid permit, which has been expired for more than six (6) months from the date of the expiration of such permit, will be required to meet all the requirements under Rule 1340-2-4-.05.
- (6) A person whose permit has expired for six (6) months or less from the date of expiration will be processed pursuant to the renewal provisions of this rule.

- (7) Renewal of unexpired, valid permits by U.S. mail or overnight courier delivery service is permissible.

Authority: T.C.A. §§39-17-1351, 39-17-1360, and 4-3-2009. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed September 30, 2002; effective January 28, 2003. Amendment filed October 20, 2003; effective February 27, 2004.

1340-2-4.10 OBTAINING A DUPLICATE PERMIT. The department shall issue a duplicate permit to a permittee for the prescribed duplicate fee.

Authority: T.C.A. §§39-17-1351; 39-17-1360 and 4-3-2009. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999.

1340-2-4.11 EXPIRATION OF HANDGUN CARRY PERMIT.

- (1) A handgun carry permit will be good for four (4) years from the date of issuance.
- (2) If the handgun carry permit expires prior to the department's approval or issuance of notice of denial regarding a renewal application, the permittee will be entitled to continue to use the expired permit; however, the permittee will be required to prove, by displaying a receipt for the renewal application fee, that the renewal application was delivered to the department prior to the expiration date of the permit.

Authority: T.C.A. §§39-17-1351; 39-17-1360 and 4-3-2009. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999.

1340-2-4.12 FEES.

- (1) The application fee for a handgun carry permit will be one hundred and fifteen dollars (\$115.00). Such fee will cover all aspects of processing the application and issuing a permit.
- (2) The renewal fee for a permit will be fifty dollars (\$50.00).
- (3) The fee for a duplicate permit will be five dollars (\$5.00).
- (4) The acceptable method of payment for all initial fees will be by cash or certified check. Renewal fees may be paid by cash, personal check, or certified check.
- (5) All fees are non-refundable.

Authority: T.C.A. §§39-17-1351, 39-17-1356, 39-17-1360, and 4-3-2009. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed September 30, 2002; effective January 28, 2003.

1340-2-4.13 RECIPROCITY OF OTHER STATES' HANDGUN CARRY PERMITS.

- (1) A facially valid handgun permit, firearms permit, weapons permit or a license issued by another state shall be valid in this state according to its terms and shall be treated as if it is a handgun permit issued by this state; provided, however, the holder of any such out-of-state permit or license will only authorize the holder to carry a handgun while in this state. For a person to lawfully carry a handgun in this state, based upon a permit or license issued in another state, the person must be in possession of the permit or license at all times such person carries a handgun in this state.

(Rule 1340-2-4-.13, continued)

- (2) The Commissioner of Safety shall enter into written reciprocity agreements with other states that require the execution of such agreements. If another state imposes conditions on Tennessee permit holders in a reciprocity agreement, such conditions shall also become a part of the agreement and apply to the other states' permit holders when they carry a handgun in this state.
- (3) The Commissioner of Safety shall prepare and publicly publish a current list of states honoring permits issued by the State of Tennessee and shall make the list available to anyone upon request. To the extent that any state may impose conditions in such reciprocity agreements, the Commissioner shall publish those conditions as part of the list. The Commissioner shall also prepare and publicly publish a current list of states that, after inquiry by the Commissioner, refuse to enter into a reciprocity agreement with this state or honor a handgun carry permit issued by this state.
- (4) If a person with a handgun permit from another state becomes a Tennessee resident, such person must obtain a Tennessee handgun permit within six (6) months of establishing residency in Tennessee.
- (5) If during the six (6) month period a person with an out-of-state handgun permit applies for a Tennessee handgun carry permit in this state and such application is denied, the person will not be allowed to carry a handgun in this state based upon the other state's permit.
- (6) If such person from another state does not apply for a Tennessee handgun carry permit within six (6) months of establishing residency, such person will be required to meet the requirements of an original handgun application pursuant to Rule 1340-2-4-.05 and pay the prescribed application fee.
- (7) If a person from another state has a handgun permit from that state and applies for a Tennessee handgun permit within six (6) months and the eligibility requirements of the other state are substantially similar to this state, the person will be processed under the renewal provisions of this rule.
- (8) The Commissioner of Safety or his designee shall be the judge of whether the eligibility requirements in another state are substantially similar to the requirements of this state.
- (9) A person from another state who becomes a resident of Tennessee and has not been fingerprinted for both state and federal criminal history records checks, but has completed a firearms safety course consisting of both classroom and firing range sessions; will not be required to complete a handgun safety course; but will be required to:
 - (a) Complete an application.
 - (b) Provide two (2) full sets of classifiable fingerprints.
 - (c) Pay the prescribed application fee.
- (10) A person from another state who becomes a resident of Tennessee and has not completed a firearms safety course consisting of both classroom and firing range sessions, but has been fingerprinted for both state and federal criminal history records checks, will not be required to be fingerprinted; but will be required to:
 - (a) Complete an application.
 - (b) Submit proof of completing a Department of Safety approved handgun carry safety course.
 - (c) Pay the prescribed renewal fee.

(Rule 1340-2-4-.13, continued)

- (11) A person from another state who becomes a resident of Tennessee and has been fingerprinted for both state and federal criminal history record checks and has completed a handgun safety course consisting of both classroom and firing range sessions, will be required to meet the renewal provisions of this rule and pay the prescribed renewal fee.
- (12) If a person who is a resident of and a handgun permit holder in another state and employed in this state on a regular basis and desires to carry a handgun in this state, such person shall have six (6) months from the last day of the sixth (6th) month of regular employment in this state to obtain a Tennessee handgun carry permit. Such permit may be issued based on the person having a permit from another state provided such other state has substantially similar permit eligibility requirements as this state. If during such sixth month period the person applies for a Tennessee handgun carry permit and such application is denied, the person will not be allowed to carry a handgun in this state based upon the other state's permit. This provision shall not apply if the state of residence of the person employed in Tennessee has entered into a handgun permit reciprocity agreement with this state.

Authority: T.C.A. §§39-17-1351; 39-17-1360, and 4-3-2009. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999. Amendment filed October 20, 2003; effective February 27, 2004.

1340-2-4-.14 STATISTICAL REPORTS KEPT BY THE DEPARTMENT.

- (1) The department shall make available, on request and payment of a reasonable fee to cover the cost of copying, a statistical report that includes the number of permits issued, denied, revoked, or suspended by the department during the preceding month, listed by age, gender, and zip code of the applicant or permittee and the reason for any permit revocation or suspension.
- (2) By January 1 of each year, a copy of such statistical report for the preceding calendar year shall be provided to each member of the General Assembly.
- (3) The department shall maintain statistics related to responses by law enforcement agencies to incidents in which a person who has a permit to carry a handgun under this section is arrested and booked for any offense.
- (4) All state and local law enforcement officials are required to report the information required in section (3) above to the handgun issuance division of the Department of Safety.

Authority: T.C.A. §§39-17-1351; 39-17-1352; 39-17-1360 and 4-3-2009. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999.

1340-2-4-.15 REVOCATION OR SUSPENSION OF A HANDGUN CARRY PERMIT.

- (1) The department shall suspend or revoke a handgun permit upon a showing by its records or other sufficient evidence that the permittee:
 - (a) Is prohibited from purchasing a handgun under applicable state or federal law;
 - (b) Has not accurately disclosed any material information required by §39-17-1351;
 - (c) Poses a material likelihood of risk or harm to the public;
 - (d) Has been arrested for a felony involving the use or attempted use of force, violence, or a deadly weapon, or a felony drug offense;

(Rule 1340-2-4-.15, continued)

- (e) Has been convicted of a felony;
 - (f) Has violated any other provision of T.C.A. §39-17-1351 - §39-17-1360; or
 - (g) Has at any time committed an act or omission or engaged in a pattern of conduct that would render the permittee ineligible to apply for or obtain a permit under the eligibility requirements of T.C.A. §39-17-1351.
- (2) In cases where a permit has been issued prior to the department's receipt of the Tennessee and Federal Bureau of Investigation's criminal history fingerprint record checks, such permit shall be subject to immediate revocation if either such record check reveals that the applicant is not eligible for a permit.
- (3) The department shall suspend a handgun carry permit that is received from a court pending final disposition when the permittee is charged with a felony.
- (a) It will be the responsibility of the permittee to furnish the department with court documents showing that the permittee has been acquitted of the charge or charges prior to reinstatement of a handgun carry permit.
 - (b) If the permittee is placed on pre-trial diversion or judicial diversion, the permittee's privilege to lawfully carry a handgun shall be suspended for the length of time the permittee is subject to the jurisdiction of the court. The court shall send the surrendered permit to the department.
 - (c) It shall be the responsibility of the permittee to provide the department with court documents showing that the permittee is no longer subject to the jurisdiction of the court prior to reinstatement of the handgun carry permit.
- (4) If a permittee is convicted of a Class A misdemeanor offense, the permittee is required to surrender the permit to the court having jurisdiction of the case for transmission to the department.
- (a) The department shall suspend such permittee's handgun carry permit for the term of the sentence imposed by the court for the offense or offenses for which the permittee was convicted;
 - (b) The permittee shall be required to furnish the department with court documents showing that the permittee is no longer subject to the sentence imposed by the court for the offense or offenses for which the permittee was convicted.

Authority: T.C.A. §§39-17-1352; 39-17-1353; 39-17-1355; 39-17-1360 and 4-3-2009. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999.

1340-2-4.16 CRIMINAL HISTORY DISPOSITIONS.

- (1) In cases where a permit has been issued prior to the department's receipt of the Tennessee Bureau of Investigation and the Federal Bureau of Investigation criminal history fingerprint record checks and such record checks are returned to the department without dispositions, the permittee will have sixty (60) days from the date appearing in the Notice of Proposed Revocation to furnish the department with a disposition of such charge.
- (2) If the permittee does not submit to the department the requested information showing the disposition of charges on the permittee's criminal history, the permit will be revoked pursuant to 1340-2-4-.15(1) and 1340-2-4-.17.

Authority: T.C.A. §§39-17-1352; 39-17-1354; 39-17-1355; 39-17-1360 and 4-3-2009. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999.

1340-2-4-.17 NOTICE OF SUSPENSION AND REVOCATION.

- (1) Upon the suspension or revocation of a permit, the department shall send notice of the suspension or revocation to the permittee and the chief law enforcement officer of the applicant's county of residence.
- (2) Such notice shall state the following:
 - (a) That the permit has been immediately suspended or revoked;
 - (b) That the permittee must surrender the permit to the department within ten (10) days of the date appearing on the notice;
 - (c) That it is a Class A misdemeanor punishable by up to one (1) year in jail for the permittee to knowingly fail or refuse to surrender the permit to the department within such ten (10) day period;
 - (d) That if the permittee does not surrender the suspended or revoked permit within the ten (10) day period, the department shall issue authorization to the chief law enforcement official of the applicant's county of residence to take possession of the suspended or revoked permit and send it to the department.
 - (e) That the permittee has thirty (30) days from the date appearing on the notice of suspension or revocation to request an administrative hearing pursuant to Rule 1340-2-4-.18, or seek judicial review pursuant to Rule 1340-2-4-.19, to challenge the suspension or revocation.

Authority: T.C.A. §§39-17-1352; 39-17-1360 and 4-3-2009. **Administrative History:** Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999.

1340-2-4-.18 ADMINISTRATIVE HEARING AFTER SUSPENSION OR REVOCATION OF HANDGUN CARRY PERMIT.

- (1) A person who has received a notice of suspension or revocation of a handgun carry permit will have the right to make a written request for an administrative hearing pursuant to the Uniform Administrative Procedures Act, Title IV, Chapter 5 to challenge such suspension or revocation.
- (2) The written request for an administrative hearing must be filed with the department within thirty (30) days from the date appearing on the notice. Failure to make such request for hearing within the time specified shall without exception constitute a waiver of such right.
- (3) The person must surrender the handgun carry permit at the time of the request of the hearing is made, if the person has not previously surrendered such permit. Failure of the person to surrender such permit at the time the request for hearing is made, shall, without exception, constitute a waiver of such right.
- (4) A request for a hearing will not stay the suspension or revocation.
- (5) Within thirty (30) days from the date the request for hearing is filed, the department will establish a hearing date and set the case on a docket. This shall not be construed as requiring the hearing to be conducted within the thirty (30) day period.
- (6) The hearing will be held at a place designated by the department.

(Rule 1340-2-4-.18, continued)

- (7) The department will provide written notice of the time and place of the hearing to the party requesting the hearing at least ten (10) days prior to the scheduled hearing, unless the party agrees to waive this requirement.
- (8) The hearing officer will be the commissioner or an authorized representative designated by the commissioner.
- (9) The hearing officer will have the authority to:
 - (a) Administer oaths and affirmations;
 - (b) Examine witnesses and take testimony;
 - (c) Receive relevant evidence;
 - (d) Issue subpoenas, take depositions, or cause depositions or interrogatories to be taken;
 - (e) Regulate the course and conduct of the hearing; and
 - (f) Make a final ruling on the issues.
- (10) The sole issue at the hearing will be whether by a preponderance of the evidence the person has violated any provision of this rule or T.C.A. § 39-17-1351 thru 1360.
- (11) If the hearing officer finds in favor of the department, the suspension or revocation order will be sustained. The department will also notify the sheriff or chief law enforcement officer of the permittee's county of residence of such finding.
- (12) If the hearing finds in favor of the person requesting the hearing, the suspension or revocation order will be rescinded. The department will also notify the sheriff or chief law enforcement officer of the permittee's county of residence of such finding.
- (13) The hearing will be recorded.
- (14) The decision of the hearing officer will be rendered in writing, and a copy will be provided to the person who requested the hearing.
- (15) If the person who requested the hearing fails to appear without just cause, the right to a hearing will be waived and the department's earlier determination will be final.
- (16) Witnesses under subpoena will be entitled to the same fees as are now or may hereafter be provided for witnesses in civil actions in the circuit court and, unless otherwise provided by law or by law or by action of the agency, the party requesting the subpoena will bear the cost of paying fees to the witnesses subpoenaed.
- (17) An appeal from the final decision of the department under these administrative procedures is to the chancery court of the permittee's county of residence.

Authority: T.C.A. §§39-17-1351; 39-17-1353; 39-17-1354; 39-17-1355; 39-17-1358; 39-17-1360 and 4-3-2009.
Administrative History: Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999.

1340-2-4-19 DIRECT JUDICIAL REVIEW AFTER DENIAL, SUSPENSION, OR REVOCATION OF HANDGUN CARRY PERMIT.

- (1) In the case of a denial of a handgun carry permit, the applicant shall have a right to directly petition the general sessions court of his or her county of residence within thirty (30) days from the date appearing on the notice of denial for judicial review of the departmental denial of a permit. A copy of the petition is to be sent to the district attorney, and the Department of Safety at the address on the petition. The clerk of the court will forward a copy of the petition for review to the sheriff who will serve it on the state. Alternatively, the clerk of the court may return a copy of the petition to the petitioner who will then lodge it with the sheriff who will mail it to the state via certified return receipt mail. In either instance, the sheriff must serve the petition for judicial review upon the Commissioner of the Department of Safety.
- (2) In the case of a suspension or revocation, the permittee may, as an alternative to the administrative review process set forth in Rule 1340-2-4-18, within thirty (30) days of the issuance of the final determination of the department, directly petition the general sessions court of the person's residence, for judicial review. A copy of the petition is to be sent to the district attorney, and the Department of Safety at the address on the petition.
- (3) The district attorney general of the county where the petition is filed shall represent the department.
- (4) The district attorney general's office shall notify the Handgun Carry Permit Section in the Department of Safety upon receipt of a handgun carry permit petition. The district attorney general shall advise the Handgun Carry Permit Section of any pending hearing date on the petition.
- (5) The district attorney general's office shall immediately notify the Handgun Carry Permit Section of any disposition of any hearing or settlement on the filed petition.
- (6) The district attorney general shall advise the Handgun Carry Permit Section as to whether the case should or should not be appealed.

Authority: T.C.A. §§39-17-1352; 39-17-1353; 39-17-1354; 39-17-1357; 39-17-1360 and 4-3-2009.
Administrative History: Original rule filed September 16, 1996; effective January 28, 1997. Repeal and new rule filed February 23, 1999; effective June 28, 1999.

1340-2-4-20 REINSTATEMENT OF HANDGUN CARRY PERMIT AFTER SUSPENSION OR REVOCATION.

- (1) Notwithstanding the provisions of paragraph (2); prior to the reinstatement of a handgun carry permit after a suspension or revocation, such person will be required to meet all statutory and regulatory eligibility requirements and finger-printing requirements. Such persons will also be required to have successfully completed a Department of Safety approved handgun safety course including exceptions as provided in Rule 1340-2-4-.05(4) within the previous six months, and pay the one hundred and fifteen dollar (\$115.00) application fee.
- (2) Prior to reinstatement of a permit suspended pursuant to 1340-2-4-.15(3) and (4), the permittee shall pay a reinstatement fee of twenty five dollars (\$25.00) with one-half of such fee payable to the Department of Safety and one-half payable to the court that suspended the permit.
 - (a) Prior to the reinstatement of the permit, the permittee shall have paid in full all fines, court costs, and restitution, if any, required by the sentencing court.
 - (b) The applicant must complete any terms of probation imposed by the court. Such failure to complete any terms of probation imposed by the court shall be a bar to reinstatement of the handgun carry permit.

(Rule 1340-2-4-.20, continued)

- (c) Prior to the reissuance of the permit, the department shall verify that the permittee has complied with all reinstatement requirements of subdivision (a) by furnishing the department with certification from the court that the permittee has paid in full all fines, and court costs, and restitution; and has completed any terms of probation imposed by the court.

Authority: T.C.A. §§39-17-1352; 39-17-1360 and 4-3-2009. **Administrative History:** Original rule filed February 23, 1999; effective June 28, 1999.

1340-2-4-.21 GRANDFATHERING PERMITS ISSUED ON OR AFTER OCTOBER 1, 1994.

- (1) Any person holding a valid handgun carry permit issued on or after October 1, 1994 may request the department to issue a new permit card under this rule.
- (2) The applicant shall be required to disclose under oath that such applicant still satisfies all the requirements of T.C.A. § 39-17-1351 and this rule for the issuance of a permit.
- (3) The applicant shall be required to pay the fifty dollar (\$50.00) renewal fee.
- (4) The applicant shall make available, the current permit received from the sheriff or the chief law enforcement officer, for copying purposes by the department.
- (5) The department shall also photograph the applicant in a manner that is suitable for use on the permit.

Authority: T.C.A. §§39-17-1351; 39-17-1358; 39-17-1360 and 4-3-2009. **Administrative History:** Original rule filed February 23, 1999; effective June 28, 1999.

1340-2-4-.22 CHANGE OF PERMITTEE'S PRINCIPAL PLACE OF RESIDENCE.

- (1) A permittee will notify the department in writing within sixty (60) days of any change in such permittee's principal place of residence and advise the department of the new address.
- (2) The permittee will submit to the department the permit containing the old address when the permittee makes a request for a change of residence.
- (3) The department will not issue a new permit with the new address until the old permit has been submitted to the department.
- (4) The department will issue the permittee a receipt for such address change and give a copy of the original permit to the permittee.
- (5) The permittee will be entitled to use the receipt and the copy of the original permit as a handgun permit until receipt of the new handgun permit.
- (6) The process for making a change of address will be conducted at a full-service driver license station.

Authority: T.C.A. §§39-17-1357; 39-17-1360 and 4-3-2009. **Administrative History:** Original rule filed February 23, 1999; effective June 28, 1999.

1340-2-4-.23 CHANGE OF PERMITTEE'S NAME.

- (1) A permittee will notify the department within sixty (60) days of any change in such permittee's name and advise the department of the new name.

(Rule 1340-2-4-.23, continued)

- (2) The permittee will submit to the department the permit with the previous name when the permittee makes request for a name change.
- (3) The department will not issue a new permit with the new name until the old permit has been submitted to the department.
- (4) The department will issue the permittee a receipt for such name change and give a copy of the original permit to the permittee.
- (5) The permittee will be entitled to use the receipt and the copy of the original permit as a handgun permit until receipt of the new permit. The process for making a change of name will be conducted at a full-service driver license station.

Authority: T.C.A. §§39-17-1360 and 4-3-2009. **Administrative History:** Original rule filed February 23, 1999; effective June 28, 1999.